



THE BAR ASSOCIATION OF LATVIA
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Country Report

LATVIA

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1. General information

The Bar Association of Latvia is an independent professional corporation uniting all attorneys-at-law who practice in Latvia. It unites private individuals on professional grounds with the view to maintain the prestige of their profession, foster professional growth of attorneys-at law, improvement of their creative skills and experience, and to ensure that the tasks prescribed by the law are met.

Bodies of the Bar Association of Latvia:

- 1. General Meeting of the Bar Association of Latvia;**
- Bodies elected by the General Meeting of the Bar Association of Latvia:
 - 2. Council of the Bar Association of Latvia;**
 - 3. Audit Committee;**
 - 4. Disciplinary Committee;**
- Bodies elected by Council of the Bar Association of Latvia:
 - 5. Committee for Amendments to Regulatory Acts;**
 - 6. Supervision and Control Committee;**
 - 7. Ethics Committee;**
 - 8. Advocacy Examination Committee Law;**
 - 9. Committee for Professional Training, Supervision and Examination of Assistant Attorneys-at-Law;**
 - 10. Committee for Assessment of Applicant Documents;**
 - 11. Committee for Tax and Financial Affairs.**



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The Bar Association of Latvia counts 1367 members:

- 1230 attorneys-at-law (including 119 suspended, 2 dismissed);
- 119 assistant attorneys-at-law (including 16 suspended);
- 17 ES attorneys-at-law from the EU Member States who practice in Latvia under the profession title of their respective countries of domicile;
- 1 attorney-at-law from the EU Member State whose professional qualification is recognized appropriate for regular practice in Latvia.

Note: Population of Latvia counts about 1 million 900 thousand people.

Attorney-at-Law is an independent, professional lawyer who provides legal aid through defending and representing individuals' lawful interests before court and during pre-trial investigation; providing legal advice; drafting legal documents; and taking other legal actions. Attorney-at-Law is a party to judicial system **who is independent in his professional activities and only subordinated to the law**. The profession of attorneys-at-law is liberal, and their professional activities are treated as intellectual work.

All attorneys-at-law admitted as members to the Bar Association make the following oath to the Chairperson of the Supreme Court:

"I hereby make oath of loyalty towards Latvia and I swear to comply with the laws of the State in good faith and belief; to respect the courts and rule of law; to abstain from writing or speaking of anything detrimental to the State, community and morality; to fairly carry out the obligations of attorney-at-law, and to protect the interests of the principals or individuals who seek my advice, being aware of liability for my activities prescribed by the law."

2. Key developments in 2017

2.1. General Meeting of the Bar Association of Latvia

Collegial bodies of the Bar Association of Latvia, namely, Council of the Bar Association of Latvia, the Audit Committee and the Disciplinary Committee, were re-elected at the General Meeting of the Bar Association of Latvia held in spring 2017. The membership of collegial bodies of the Bar Association of Latvia has slightly changed by the elections.

Our honorable colleague Jānis Rozenbergs, the former Member of the Council of the Bar Association of Latvia, has been elected to chair the Council of the Bar Association of Latvia.

Our honorable colleague Guna Kaminska continues to perform the duties of Deputy Chairperson of Council of the Bar Association of Latvia.



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2.2. Participation by attorneys-at-law in the provision of State-guaranteed legal assistance.

The State guarantees representation of low income persons in civil proceedings and of all persons dependent on counseling in criminal proceedings by a State-funded attorney-at-law.

The Bar Association of Latvia has notably increased the effectiveness of participation by attorneys-at-law in the provision of State-guaranteed legal assistance in 2017

The procedure of participation by attorneys-at-law in the provision of State-guaranteed legal assistance has been reorganized and systemized to ensure that the principle of proportionality and equal distribution of assignments is complied with in respect of attorneys, pretrial investigation authorities and courts, and to ensure improved quality of the provided legal assistance.

2.3. Advocacy Procedures in Civil Proceedings.

The Council of the Bar Association of Latvia has continued its work initiated in 2017 to ensure gradual implementation of full advocacy procedures in all civil proceedings. Advocacy procedures are designed to enable the persons dependent on legal assistance in civil legal proceedings to have their rights and interests defended before court by attorney-at-law without direct participation at the civil proceedings, and to unload the court work in the trial of civil proceedings because only qualified representatives of the legal profession take part at proceedings.

2.4. Prevention of Money Laundering and Terrorism Financing.

Pursuant to the international regulatory acts, the issues related to the prevention of money laundering and terrorism financing are regulated in Latvia by special law "*On the prevention of money laundering and terrorism financing*" (hereinafter – the PMLTF Law).

Subjects of the PMLTF Law include attorneys-at-law, and Council of the Bar Association of Latvia is their supervision and control body.

Attorneys-at-law counseling, representing or defending clients in legal proceedings or related proceedings are not subjects of the PMLTF Law.

With the view to increase effectiveness of the PMLTF Law and improve the understanding of and participation by attorneys-at-law in the field of the PMLTG Law, in 2017 Council of the Bar Association of Latvia has:

- Approved the new instruction of the Bar Association of Latvia applicable to the issues related to the PMLTF Law;



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- Arranged the national advocacy conference on the topic “*Reporting obligation of attorneys-at-law*” divided into numerous sub-topics including “*Independence and reporting obligation of attorneys-at-law – competition of legal norms*” (the subject matter and purpose of the conference is directly related to the topic “*Self-regulation or heteronomy – lawyers' independence in danger?*” of 46th European Presidents' Conference);
- Established Supervision and Control Committee of the Bar Association of Latvia and elected members of the committee including the chairperson and two deputy chairpersons.

2.5. Negative trend of national scale. Attempts of governmental institutions to apply the status of public officials to attorneys-at-law constitute limitation of independence of the attorneys-at-law and infringement of constitutional human rights.

Certain governmental authorities of Latvia have announced in 2017 that the attorneys-at-law performing the duties of elected advocacy bodies (*Council of the Bar Association of Latvia and Advocacy Examination Committee*) along with their professional practice should be equated to public officials, because the decisions adopted by such attorneys-at-law as members of the elected bodies are subject to contestation at court in accordance with the administrative procedure.

The Bar Association of Latvia strictly objects to similar attempts of limiting the independence of attorneys-at-law and infringement of constitutional human rights.